

TRANSPORTATION DEPARTMENT[761]

Notice of Intended Action

Proposing rule making related to driver's license examinations and providing an opportunity for public comment

The Department of Transportation hereby proposes to amend Chapter 604, "License Examination," Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code sections 307.12, 321.193 and 321.210.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code sections 321.186, 321.193, 321.196 and 321.210.

Purpose and Summary

This proposed rule making relates to driver's license examinations and aligns with existing legal authority and Department practice, updates contact information, eliminates outdated or irrelevant requirements or options, and accommodates modern procedures. The most significant changes to Chapter 604 are explained in the following paragraphs.

The proposed amendments change several requirements related to vision screening conditions and associated restrictions. The amendments clarify at what visual acuity score a person will be referred to a vision specialist for further screening, strike outdated language requiring the Department to affix a sticker to an applicant's driver's license, and provide that a temporary driving permit shall not be issued for more than 60 days from the end of the license validity, which aligns with the current grace period for an expired driver's license in Iowa Code section 321.196.

The proposed rule making rescinds rule 761—604.22(321), which concerns knowledge test results, because it is outdated, but part of the content of the rule is updated and added as new subrule 604.20(4) to align with current Department practice that at least one business day must have elapsed before a person can retake a failed knowledge test.

The proposed amendments update subrules 604.21(2) and 604.31(2) related to knowledge and driving test waivers to include current Department practice related to knowledge and drive testing when an applicant is seeking to renew a driver's license within one year after its expiration date or within one year without a valid driver's license. Iowa Code section 321.196(2) provides that a driver's license is renewable without a driving test or written examination within a period of one year after the license's expiration date. Iowa Code section 321.196(2) provides that once a person's driver's license has been expired or is invalid for more than one year, testing is required to regain the license. Some of the reasons a person may hold an expired driver's license or have an invalid license for one year could be due to relocation or due to a driver's license sanction. The proposed amendments to subrules 604.21(2) and 604.31(2) clarify that knowledge and drive testing would be required to regain the license if it has been expired or invalid for more than one year. The proposed amendment to subrule 604.31(2) also clarifies that a certificate of completion for motorcycle rider education or motorized bicycle education may be used to waive the driving test for more than just the first time the license was issued, which allows an applicant who chooses to attend a subsequent motorcycle rider education course or motorized bicycle education course to use that new certificate of completion to waive a subsequent skills test. This change accommodates motorcycle license applicants who would prefer to take another motorcycle rider education course rather than taking a motorcycle skills test with the Department.

The proposed amendment to paragraph 604.30(1)“a” relating to the vehicle requirements for a driving test aligns with current Department practice requiring a person to provide proof of financial responsibility for the vehicle the person is seeking to use during the driving test.

This proposed rule making also relates to a special reexamination of a driver’s licensee. A reexamination may occur when a licensee has been involved in an accident, including a fatal motor vehicle accident, or when an investigating officer’s report of the accident(s) lists certain contributing factors. Rule 761—604.50(321) is proposed to be amended as follows:

- To add cognitive screening to the list of requirements that may accompany a special reexamination. Iowa Code section 321.186(3) authorizes the Department to examine an applicant for a driver’s license, including a mental examination necessary to determine an applicant’s fitness to operate a motor vehicle safely. The Department currently utilizes the nationally recognized Driver Orientation Screen for Cognitive Impairment (DOSCI) and the Safe Driving Basics (SDB) programs for cognitive screening.
- To align the rule with the current practice when an investigating officer lists the underlying condition of the licensee as “fatigue or asleep” in an accident report, which may result in a special reexamination after a single accident.
- To recognize that vision may be a contributing factor to an accident, thus requiring a special reexamination regardless of whether the accident occurred during the day or at night.
- To align with Iowa Code section 321.186, which authorizes the Department to require a special reexamination if the Department receives evidence that a licensee may be physically or mentally incapable of operating a motor vehicle safely.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the person’s circumstances meet the statutory criteria for a waiver may petition the Department for a waiver under 761—Chapter 11.

Public Comment

Any interested person may submit written comments concerning this proposed rule making or may submit a written request to make an oral presentation at a public hearing. Written comments or requests to present oral comments in response to this rule making must be received by the Department no later than 4:30 p.m. on April 14, 2020. Comments should be directed to:

Tracy George
Department of Transportation
DOT Rules Administrator, Strategic Communications and Policy Bureau
800 Lincoln Way
Ames, Iowa 50010
Email: tracy.george@iowadot.us

Public Hearing

A public hearing to hear requested oral presentations will be held as follows:

April 16, 2020
10 a.m.

Department of Transportation
Motor Vehicle Division
6310 S.E. Convenience Boulevard
Ankeny, Iowa

Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact Tracy George, the Department's rules administrator, and advise of specific needs.

The public hearing will be canceled without further notice if no oral presentation is requested.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Amend rule 761—604.3(17A) as follows:

761—604.3(17A) Information and forms.

604.3(1) Applications, forms, and information about driver's license examinations are available at any driver's license ~~examination station~~ service center. Assistance is also available from the ~~office of driver and identification services at the address in 761—600.2(17A)~~ bureau by mail at Driver and Identification Services Bureau, Iowa Department of Transportation, P.O. Box 9204, Des Moines, Iowa 50306-9204; in person at 6310 SE Convenience Blvd., Ankeny, Iowa; by telephone at (515)244-8725; by facsimile at (515)239-1837; or on the department's website at www.iowadot.gov.

604.3(2) The "Iowa Driver Manual" and the "Iowa Motorcycle Operator Manual" are also available from the department and on the department's website at www.iowadot.gov.

This rule is intended to implement Iowa Code section 17A.3.

ITEM 2. Amend subrule 604.10(2) as follows:

604.10(2) Method. At driver's license ~~examination stations~~ service centers, a vision screening instrument shall be used to screen the applicant's vision. An applicant who has corrective lenses may be screened with or without the corrective lenses.

ITEM 3. Amend rule **761—604.10(321)**, implementation sentence, as follows:

This rule is intended to implement Iowa Code sections 321.186, 321.186A and 321.196 ~~as amended by 2013 Iowa Acts, House File 355, section 1.~~

ITEM 4. Amend rule 761—604.12(321) as follows:

761—604.12(321) Vision referrals.

604.12(1) Referral.

a. If during any vision screening, an applicant ~~on first screening~~ cannot attain 20/40 with at least one eye but can attain 20/70 with at least one eye, the department shall not issue a license to the applicant. Instead, the department shall advise the applicant to consult a licensed vision specialist.

b. No change.

604.12(2) License.

a. ~~The department shall affix a sticker to the applicant's license stating: "Renewal or license issuance denied due to vision."~~

~~b.~~ If the applicant's license is valid for less than 30 days, the department may issue a temporary driving permit with restrictions appropriate to the applicant's visual acuity level and field of vision. ~~The~~ If the applicant's license is valid for less than 30 days, the temporary driving permit is shall not be valid for ~~not~~ more than 30 60 days from the end of the current license validity.

604.12(3) and 604.12(4) No change.

This rule is intended to implement Iowa Code sections 321.181, 321.186, 321.186A, 321.193 and 321.196.

ITEM 5. Amend rule 761—604.13(321) as follows:

761—604.13(321) Vision screening results.

604.13(1) Two-year license. An applicant who cannot attain a visual acuity of 20/40 with both eyes or with the better eye shall be issued a two-year license. ~~This restriction may be waived by the department when a vision report pursuant to subrule 604.10(3) certifies that the vision has stabilized and is not expected to deteriorate.~~

604.13(2) No change.

604.13(3) Reapplication. An applicant who cannot meet the vision standards in subrule 604.13(2) may reapply when the vision improves and the applicant meets the vision standards. If a suspension or denial notice was served, reapplication must be made to the ~~office of driver and identification services bureau~~ at the address in 761—600.2(17A) subrule 604.3(1), ~~and not~~ or at a driver's license examination station service center.

604.13(4) Discretionary issuance.

a. No change.

b. Based upon consideration of the applicant's ~~vision screening results~~ or vision report, driving test and driving record, the written recommendation of the applicant's licensed vision specialist, and traffic conditions in the vicinity of the applicant's residence, the officer may recommend issuing a license with restrictions suitable to the applicant's capabilities. However:

(1) to (4) No change.

c. No change.

This rule is intended to implement Iowa Code sections 321.186, 321.186A, 321.193 and 321.196.

ITEM 6. Adopt the following **new** subrule 604.20(4):

604.20(4) Retesting. An applicant who fails a knowledge test may repeat the test at the discretion of the examiner, but at least one business day shall elapse between tests.

ITEM 7. Amend subrule 604.21(2) as follows:

604.21(2) Knowledge test waivers. The department may waive a knowledge test listed in subrule 604.21(1) if the applicant meets one of the following qualifications:

a. The applicant has passed the same type of test for another Iowa driver's license or an equivalent out-of-state license that is still valid or has expired within the past year.

b. and c. No change.

d. The applicant is renewing an Iowa driver's license or endorsement within a period of one year after the expiration date of the license or endorsement.

e. The applicant is reinstating from a denial, cancellation, suspension, revocation, disqualification or bar of an Iowa driver's license or endorsement within a period of one year after the expiration date of the denial, cancellation, suspension, revocation, disqualification or bar.

ITEM 8. Rescind and reserve rule **761—604.22(321)**.

ITEM 9. Amend paragraph **604.30(1)“a”** as follows:

a. For the driving test, the applicant shall provide a representative vehicle as defined in 761—604.2(321) and proof of financial responsibility for the representative vehicle.

ITEM 10. Amend subrule 604.31(2) as follows:

604.31(2) Driving test waivers. The department may waive a required driving test listed in subrule 604.31(1) if the applicant meets one of the following qualifications:

~~a. The applicant is applying for the applicant's first Iowa driver's license that permits unaccompanied driving following successful completion of~~ has successfully completed the appropriate Iowa-approved course or courses. The appropriate Iowa-approved courses are the following: driver education, other than driver education by a teaching parent under rule 761—634.11(321), for a an applicant's first Class C driver's license that permits unaccompanied driving other than motorized bicycle; driver education and motorcycle rider education for a Class M driver's license or motorcycle endorsement motorcycle rider education for a Class M driver's license or motorcycle endorsement; and motorized bicycle education for a motorized bicycle license. However, if an applicant is under the age of 18, a driving test is required if so requested by the applicant's parent, guardian, or instructor.

~~b. The applicant is renewing a Class C, Class D or Class M Iowa driver's license or endorsement within 14 months a period of one year after the expiration date of the license or endorsement.~~

~~c. The applicant is reinstating from a denial, cancellation, suspension, revocation, disqualification or bar of an Iowa driver's license or endorsement within a period of one year after the expiration date of the denial, cancellation, suspension, revocation, disqualification or bar.~~

~~e. d.~~ The applicant has passed the same type of driving test for another Iowa driver's license or endorsement that is still valid or has expired within the past 14 months year.

~~d. e.~~ The applicant has a military extension and is renewing the applicant's Iowa driver's license within six months following separation from active duty.

~~e. f.~~ The applicant is applying for a Class C Iowa driver's license that permits unaccompanied driving and has an equivalent out-of-state license that is valid or has expired within the past year.

~~f. g.~~ The applicant is applying for a Class D Iowa driver's license and has an equivalent out-of-state license that is valid or has expired within the past year.

~~g. h.~~ The applicant is applying for a Class M driver's license or a motorcycle endorsement and has an equivalent out-of-state Class M driver's license or motorcycle endorsement that is valid or has expired within the past year.

~~h. i.~~ The applicant has a valid, equivalent driver's license issued by a foreign jurisdiction with which Iowa has a nonbinding reciprocity agreement.

ITEM 11. Amend paragraph **604.40(2)“b”** as follows:

~~b. After the three unsuccessful attempts, no further testing shall be allowed until six months have elapsed from the date of the last test failure, and then only if the applicant demonstrates a significant change or improvement in those physical or mental factors that resulted in the original decision. A request for further testing must be submitted in writing to the office of driver and identification services bureau at the address in rule 761—600.2(17A) subrule 604.3(1).~~

ITEM 12. Amend rule 761—604.50(321) as follows:

761—604.50(321) Special reexaminations. The department may require a special reexamination consisting of a vision screening, cognitive screening, knowledge test and driving test of any licensee.

604.50(1) and 604.50(2) No change.

604.50(3) The department may require a special reexamination when a licensee has been involved in ~~two accidents within a three-year period~~ an accident and the investigating ~~officers' reports for both accidents list~~ officer's report lists a driver condition for the licensee of ~~“apparently asleep.”~~ “fatigue or asleep.”

604.50(4) The department may require a special reexamination when a licensee who is 65 years of age or older has been involved in an accident and information in the investigating officer's or the person's own report of the accident indicates the need for reexamination. A circumstance that may indicate a need for reexamination includes, but is not limited to, any one of the following:

~~a. to e.~~ No change.

~~f.~~ The licensee's vision may be a contributing factor to a nighttime an accident.

~~g.~~ No change.

~~h.~~ The investigating officer's report lists a driver condition for the licensee of “loss of consciousness.”

i. The investigating officer's report lists a driver condition for the licensee of "illness which resulted in the accident."

604.50(5) The department may require a special reexamination when ~~recommended~~ the department receives an accident report or a recommendation by a peace officer, a court, or a properly documented citizen's request. A factor that may indicate a need for reexamination includes, but is not limited to, any one of the following:

- a. Loss of consciousness.
- b. Confusion, disorientation or dementia.
- c. Inability to maintain a vehicle in the proper lane.
- d. Repeatedly ignoring traffic control devices in a nonchase setting.
- e. Inability to interact safely with other vehicles.
- f. Inability to maintain consistent speed when no reaction to other vehicles or pedestrians is required.

g. Illness which resulted in an accident.

This rule is intended to implement Iowa Code sections 321.177, 321.186 and 321.210.